

Attorneys for Plaintiff
John Brown.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHN BROWN,

Plaintiff,

VS.

TAKEUCHI MFG. CO. (U.S.), LTD, et al.

Defendant(s).

Case No. 2:21-cv-00392-JAM-DMC

STIPULATION; DECLARATION OF
JUSTIN SWIERCZEK; AND ORDER TO
CONTINUE DEFENDANT TAKEUCHI
MFG. CO. (U.S.), LTD'S MOTION TO
DISMISS THE FOURTH CAUSE OF
ACTION IN THE FIRST AMENDED
COMPLAINT

Action Filed: March 3, 2021

WHEREAS, on October 21, 2021, Defendant TAKEUCHI MFG. CO. (U.S.), LTD (hereinafter “Takeuchi”) filed a motion to dismiss under FRCP Rule 12(b)(6) and 12(f);

WHEREAS, Plaintiff JOHN BROWN'S response is due on December 28, 2021;

WHEREAS, the Plaintiff and Takeuchi are in agreement to continue the date of motion and the corresponding response date;

WHEREAS, the Plaintiff and Takeuchi have met and conferred regarding the motion to dismiss;

ACCORDINGLY, IT IS SO STIPULATED, by and between the parties and through their counsel, as follows:

1. Takeuchi MFG. Co. (U.S.), Ltd's Motion to Dismiss be continued to February 22, 2022, or thereafter;
2. Plaintiff's deadline to respond to the motion to dismiss is February 8, 2022.

Dated: December 27, 2021

ACQUEST LAW, INC.

/S/ Nareshwar Singh Virdi

Nareshwar S. Virdi
Attorneys for Plaintiff
John Brown

Dated: December 27, 2021

BOWMAN and BROOKE LLP

/S/ Erin Chance

Erin Chance
Attorneys for Defendants
Takeuchi Mfg. Co. (USA) Ltd.

Dated: December 27, 2021

GORDON & REES LLP

/S/ Russell M. Mortyn

Russell M. Mortyn
Attorneys for Defendants
United Rentals (North America) Inc.

ORDER

The above stipulation is GRANTED. The January 11, 2022 hearing on Defendant Takeuchi Mfg. Co.'s Motion to Dismiss (ECF No. 32) is VACATED and CONTINUED to March 1, 2022, at 1:30 pm in courtroom 6.

Dated: December 27, 2021

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE

DECLARATION OF JUSTIN P. SWIERCZEK

1. I am an attorney at Acquest Law, Inc. the attorneys of record for the Plaintiff in this matter;
2. I am licensed to practice in the State of California. My California State Bar Number is 332847.
3. Since the beginning of December 16, 2021, I have been sick with fever, chills, uncontrollable cough, and body aches.
4. My treating physician is treating me for pneumonia, and I am currently waiting for clearance from an evaluation by a specialist to confirm an issue with my posterior pharynx, and posterior pharyngeal muscles.
5. Because of these health issues, I have not been able to attend my office.
6. I expect to start attending office by January 10, 2022.

I certify, under the penalty of perjury, that the above statements in my declaration are true and correct to the best of my knowledge.

December 27, 2021

/S/ Justin P. Swierczek

Justin P. Swierczek